

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RODNEY R. HUNTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-263-M
)	
SHAWN LAUGHLIN, et al.,)	
)	
Defendants.)	

ORDER


On February 9, 2008, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking monetary damages and declaratory and injunctive relief for alleged constitutional violations committed by defendants. The Magistrate Judge recommended the Court dismiss the cause of action with prejudice in part and without prejudice in part. Specifically, the Magistrate Judge recommends that: (1) plaintiff's claims against defendant Shawn Laughlin related to his testimony in plaintiff's criminal proceedings be dismissed with prejudice on the basis of witness immunity; (2) plaintiff's claims against defendant Eric Yarborough be dismissed with prejudice on the basis of prosecutorial immunity; (3) plaintiff's claims against defendant Shawn Laughlin based on alleged state law errors be dismissed with prejudice; (4) plaintiff's claims implying the invalidity of his Greer County or Rogers County convictions be dismissed without prejudice pursuant to the doctrine established in *Heck v. Humphrey*, 512 U.S. 477 (1994); (5) plaintiff's equal protection claims against defendant Shawn Laughlin for harassment be dismissed without prejudice for failure to state a claim; (6) plaintiff's claims on behalf of third parties should be dismissed with prejudice for lack of standing to bring these claims; and (7) plaintiff should be given the opportunity to amend his complaint as to his equal protection claim concerning selective enforcement. The parties were advised of their right to object

to the Report and Recommendation by April 29, 2008. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on April 9, 2008;
- (2) DISMISSES with prejudice plaintiff's claims against defendant Shawn Laughlin related to his testimony in plaintiff's criminal proceedings on the basis of witness immunity;
- (3) DISMISSES with prejudice plaintiff's claims against defendant Eric Yarborough on the basis of prosecutorial immunity;
- (4) DISMISSES with prejudice plaintiff's claims against defendant Shawn Laughlin based on alleged state law errors for failure to state a claim;
- (5) DISMISSES with prejudice plaintiff's claims implying the invalidity of his Greer County or Rogers County convictions pursuant to *Heck*;
- (6) DISMISSES without prejudice plaintiff's equal protection claims against defendant Shawn Laughlin for harassment for failure to state a claim;
- (7) DISMISSES with prejudice plaintiff's claims on behalf of third parties for lack of standing; and
- (8) DIRECTS plaintiff to file an amended complaint within twenty (20) days of the date of this Order concerning his equal protection claim against defendant Shawn Laughlin for selective enforcement.

IT IS SO ORDERED this 12th day of May, 2008.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE